



**US Army Corps
of Engineers.**

Public Notice

Public Notice No. 08-62

Date: October 1, 2008

Nashville District

File No. 48897-00

Closing Date: October 31, 2008

Please address comments to: Nashville District
Corps of Engineers, Regulatory Branch, 3701 Bell Road,
Nashville, TN 37214 (Attn: Lisa Morris)

SUBJECT: Proposed Permit Modification for Expanded Commercial Sand and Dredging Operations at Tennessee River Miles 123.0 to 125.0 (right bank), 141.5 to 142.9 (left bank), and 145.5 to 146.0 (left bank)

TO ALL CONCERNED: This public notice advertises a proposal to expand an existing Department of the Army (DA) permit for activities pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act (CWA). The applicant's current DA permit currently authorizes sand and gravel dredging at the following locations: Tennessee River Mile 120.5 to 123.0; 126.0 to 128.5; 133.5 to 135.0; 136.0 to 140.0; 143.5 to 144.0 (left bank); 144.0 to 145.5; 147.0 to 148.0; 150.0 to 152.0; 172.0 to 173.0; 173.0 to 176.5 (left bank); 176.5 to 182.0; 184.0 to 188.0; 193.6 to 194.0, Kentucky Lake. The permit expires on January 2, 2018.

Applicant: Teague Brothers Sand and Gravel Company
PO Box 97
Parsons, TN 38363

LOCATION: Tennessee River Mile 123.0 to 125.0 (right bank), 141.5 to 142.9 (left bank), and 145.5 to 146.0 (left bank), in Perry and Decatur Counties, TN

DESCRIPTION OF WORK: The proposed activity is sand and gravel dredging (suction dredge) at the subject locations with the material classified and sorted onboard the dredge, loaded onto barges, transported to shore, offloaded at an existing terminal, and sold commercially. Unused material, as needed, would be returned to the river immediately following the onboard classification process. According to the applicant, exploratory dredging or past dredging (under the conditions of previously issued DA permits) has occurred at these locations. All dredging would be conducted at a minimum distance of 100 feet from any

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shoreline and in water depths of 10 feet or greater (based on elevation at the time of dredging). No dredging would be permitted within 150 feet of the sailing line of the main navigation channel. Display lights and signals prescribed by the US Coast Guard would be installed on the operation and maintained by and at the expense of the permittee.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA. The permits will be reissued unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal.

To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments will be used in the preparation of the supplemental environmental documentation pursuant to the National Environmental Policy Act. Comments will be also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service.

In addition, other federal, state, and/or local approvals may be required for the work. Certification must also be provided by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, pursuant to Section 401(a)-(1) of the CWA that applicable water quality standards are not violated by the process.

Any person may request, in writing, on or before the closing date of this notice, that a public hearing be held to consider this proposal. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before October 31, 2008, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the address above.

